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Kirk Baumeister  
(Name of applicant, assignee, or Registered Representative)

*Kirk Baumeister*  
(Signature)

21 July 2005  
(Date of Signature)

Docket No. CEN5063 USA CIP

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants : Glen A. Evans                      21 July 2005  
Serial No. : 10/705,217                      Art Unit: Unknown  
Filed : 07 November 2003                      Examiner: Unknown  
For : Enhanced Variants of Erythropoietin and  
Methods of Use

**INFORMATION DISCLOSURE STATEMENT**

Pursuant to 37 C.F.R. §1.56 and in accordance with 37 C.F.R. §§1.97-1.98, information relating to the above-identified application is hereby disclosed. Inclusion of information in this statement is not to be construed as an admission that this information is material as that term is defined in 37 C.F.R. §1.56(b).

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material

to the examination of the present patent application does not exist.

☒ In accordance with §1.97(b), since this Information Disclosure Statement is being filed either within three months of the filing date of the above-identified national application (other than a continued prosecution application under §1.53(d)), within three months of the date of entry into the national stage of the above identified application as set forth in §1.491, or before the mailing date of a first Office Action on the merits of the above-identified application, or before the mailing date of a first Office Action after the filing of a request for continued examination under §1.114, no additional fee is required.

☐ In accordance with §1.129(a), this Information Disclosure Statement is being filed in connection with ☐ the first or ☐ second After Final Submission, therefore:

- ☐ Statement in Accordance with §1.97(e) (attached); or
- ☐ Please charge Deposit Account No. 10-0750/ / the fee of \$180.00 as set forth in §1.17(p).

☐ In accordance with §1.97(c), this Information Disclosure Statement is being filed after the period set forth in §1.97(b) above but before the mailing date of either a Final Action under §1.113 or a Notice of Allowance under §1.311, or an action that otherwise closes prosecution and that it is accompanied by one of:

- ☐ Statement in Accordance with §1.97(e) (attached); or

☐ Please charge Deposit Account No. 10-0750/ / the fee of \$180.00 as set forth in §1.17(p).

☐ In accordance with §1.97(d), this Information Disclosure Statement is being filed after the mailing date of either a Final Action under §1.113 or a Notice of Allowance under §1.311 but before the payment of the Issue Fee. Applicant(s) hereby petition(s) for consideration of this Information Disclosure Statement. Included are: Statement in Accordance with §1.97(e) as set forth below and the fee of \$180.00 as set forth in §1.17(p).

☒ Copies of each of the references listed on the attached Form PTO-1449 are enclosed herewith.

☐ Copies of references listed on the attached Form PTO-1449 are enclosed herewith EXCEPT THAT:

☐ In view of the voluminous nature of references [list as appropriate], and the likelihood that these references are available to the Examiner, copies are not enclosed herewith.

☐ If any of the foregoing publications are not available to the Examiner, Applicant will endeavor to supply copies at the Examiner's request.

☒ Copies of the U.S. patent listed on the attached Form PTO-1449 is not enclosed because this U.S. patent application was filed after June 30, 2003 or this international application has entered the national stage under 35 USC §371 after June 30,

CEN5063 USA CIP

2003 (see USPTO waiver of requirement under 37 CFR 1.98  
(a)(2)(i)).

☒ There are no listed references which are not in the English language.

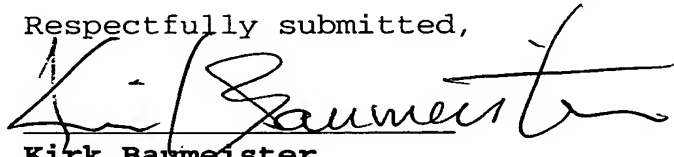
☐ The relevance of those listed references which are not in the English language is as follows:

☒ Attached are copies of search report(s) from corresponding patent application(s), which are listed on the attached Submission Under MPEP 609 D.

☐ Attached are the following non-published pending patent applications which may be deemed relevant, which are listed on the attached Submission Under MPEP 609 D.

Please charge any deficiency or credit any overpayment to Deposit Account No. 10-0750/CEN5063 USA CIP/KB.

Respectfully submitted,



**Kirk Baumeister**

Reg. No. 33,833

Attorney for Applicants

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DATED: 21 July 2005



PTO/SB/08A (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

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## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet 1 of 2

|                               |                  |
|-------------------------------|------------------|
| <b>Application Number</b>     | 10/705,217       |
| <b>Filing Date</b>            | 07 November 2003 |
| <b>First Named Inventor</b>   | Glen A. Evans    |
| <b>Group Art Unit</b>         | Unknown          |
| <b>Examiner Name</b>          | Unknown          |
| <b>Attorney Docket Number</b> | CEN5063 USA CIP  |

### U.S. PATENT DOCUMENTS

| Examiner<br>Initials | Cite<br>No. <sup>1</sup> | U.S. Patent Document |                                      | Name of Patentee or Applicant<br>of Cited Document | Date of Publication<br>of Cited Document<br>mm-dd-yyyy | Pages, Columns, Lines, where<br>relevant passages or relevant<br>figures appear |
|----------------------|--------------------------|----------------------|--------------------------------------|--|--|---|
|                      |                          | Number               | Kind Code <sup>2</sup><br>(if known) |  |  |   |
|                      |                          | 6,077,939            |                                      | Wei, et al.  | 06/20/2000   |   |

### FOREIGN PATENT DOCUMENTS

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### OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS

| Examiner's<br>Initials* | Cite<br>No. <sup>1</sup> | Include name of the author (in CAPITOL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published | T <sup>2</sup> |
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STATEMENT BY APPLICANT**

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Sheet 2 of 2

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| <b>First Named Inventor</b>   | Glen A. Evans    |
| <b>Group Art Unit</b>         | Unknown          |
| <b>Examiner Name</b>          | Unknown          |
| <b>Attorney Docket Number</b> | CEN5063 USA CIP  |

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| Examiner Signature |  | Date Considered |  |
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Page 1 of 1

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| Confirmation Number    |                  |
| Application Number     | 10/705,217       |
| Filing Date            | 07 November 2003 |
| First Named Inventor   | Glen A. Evans    |
| Group Art Unit         | Unknown          |
| Examiner Name          | Unknown          |
| Attorney Docket Number | CEN5063 USA CIP  |

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FOREIGN PATENT DOCUMENTS

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OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS

| Examiner<br>'s<br>Initials* | Cite<br>No. <sup>1</sup> | Include name of the author (in CAPITOL LETTERS), title of the article (when appropriate),<br>title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s),<br>volume-issue number(s), publisher, city and/or country where published | T <sup>2</sup> |
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|                             |                          | Copy of PCT International Search Report dated 27 June 2005.  |                |
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